



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 5, 1998

Mr. John Schneider, Jr.  
First Assistant City Attorney  
City of Pasadena  
P.O. Box 672  
Pasadena, Texas 77501

OR98-1403

Dear Mr. Schneider:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115895.

The Pasadena Police Department (the "department") received a request for information concerning a traffic stop and arrest, and also for any complaints, statements, comments, or allegations connected with that traffic stop and arrest. You submitted to this office for review records marked as Exhibits A and B. You indicate that some of the information has been provided to the requestor, but that other records are protected from disclosure pursuant to sections 552.101 and 552.130 of the Government Code.

You assert that several pages in Exhibit A contain criminal history record information ("CHRI") made confidential by section 552.101 of the Government Code, in conjunction with section 411.083 of the Government Code. Section 552.101 applies to information that is made confidential by law, including information made confidential by statute. Section 411.082 defines CHRI as

information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, informations, and other formal criminal charges and their dispositions.

However, section 411.082 also provides that CHRI does not include driving record information maintained by the Department of Public Safety ("DPS").

Section 411.083 of the Government Code provides that CHRI that is maintained by (the DPS) is confidential, except that the DPS may disseminate such records as provided in chapter 411, subchapter F of the Government Code. *See also* Gov't Code § 411.087 (entities

authorized to obtain information from DPS are authorized to obtain similar information from any other criminal justice agency; restrictions on disclosure of CHRI obtained from DPS also apply to CHRI obtained from other criminal justice agencies). Sections 411.083(b)(1) and 411.089(a) authorize a criminal justice agency to obtain CHRI; however, a criminal justice agency may not release the information except to another criminal justice agency for a criminal justice purpose, *id.* § 411.089(b)(1). Other entities specified in Chapter 411 of the Government Code are entitled to obtain CHRI from DPS or another criminal justice agency; however, those entities may not release the information except as provided by Chapter 411. *See generally id.* §§ 411.090-.127.

Thus, CHRI obtained from DPS or any other criminal justice agency must be withheld under section 552.101 of the Government Code in conjunction with Government Code chapter 411, subchapter F. We agree that the information you have marked on pages 5 and 35 is protected from disclosure under section 552.101 in conjunction with chapter 411 of the Government Code. However, some of the information you marked as protected CHRI is driving record information maintained by DPS that is not confidential under chapter 411.

You contend that some of the information in Exhibit A is protected from disclosure under section 552.130 of the Government Code, which provides:

(a) Information is excepted from the requirements of Section 552.021 if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of the state;
- (2) a motor vehicle title or registration issued by an agency of this state; or
- (3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

(b) Information described by Subsection (a) may be released only if, and in the manner, authorized by Chapter 730, Transportation Code.

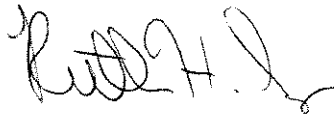
There is no indication that driver's license information is subject to release to this requestor under chapter 730 of the Transportation Code. Thus, we agree that pages 30-35 of Exhibit A must be withheld in their entirety under section 552.130. The driver's license numbers listed on pages 36 through 39 of Exhibit A also must be redacted.

You also contend that Exhibit B is confidential in its entirety pursuant to section 552.101 of the Government Code in conjunction with section 143.089(g) of the Local Government Code. The court in *City of San Antonio v. Texas Attorney General*, 851 S.W.2d 946 (Tex. App.--Austin 1993, writ denied), addressed the availability of information that is contained in the department's internal file pursuant to section 143.089(g). The court

determined that section 143.089(g) makes confidential any records kept in a department's internal file. You state that Exhibit B consists entirely of records maintained by the department pursuant to section 143.089(g). Therefore, we agree that these records are confidential and may not be disclosed.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 115895

Enclosures: Submitted documents

cc: Mr. Andrew Ramzel  
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(w/o enclosures)